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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1635

PATENT
0690-0110P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang M. FRANZ et al. Conf.: 2640
Appl. No.: 09/068,751 Group: 1635
Filed: November 2, 1998 Examiner: SCHMIDT, M.
For: GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT,
PRODUCTION OF SAME AND USE OF SAME IN
THE TREATMENT OF HEART DISEASE

266/
K.T.
2/27
notice
of
APPEAL
w/E.P.T.
2 mos.

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

Assistant Commissioner for Patents
Washington, DC 20231

February 10, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated September 10, 2002 of the Primary Examiner finally rejecting claims 52-73 and 76-82.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of two (2) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$205.00 is required for the full period of the above-requested extension of time.

☐ An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

02/11/2003 MGERREM1 00000054 09068751

160.00 OP
205.00 OP

01 FC:2401
02 FC:2252

☒ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☐ Large entity - \$320.00

☒ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$365.00.

Payment of the above TOTAL FEE is being made in the following manner:


☒ Check(s) in the amount of \$205.00 and \$160.00 are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Mark J. Nuell, #36,623

DRN/crt
0690-0110P

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